

**REMARKS**

Applicant thanks the Examiner for the detailed Office Action dated 31 May 2007. Applicant respectfully requests reconsideration of the present application in view of the reasons that follow.

Claims 1-37 were pending in the application. Claims 29-37 are requested to be cancelled without prejudice or disclaimer. Claims 1, 11, 14, and 24 are currently being amended. Claims 38-43 are being added. After amending the claims as set forth above, claims 1-28 and 38-43 are now pending in this application.

For simplicity and clarity purposes in responding to the Office Action, Applicant's remarks are primarily focused on the rejections applied to the independent claims (i.e., claims 1, 11, and 24) as outlined in the Office Action with the understanding that the dependent claims are patentable for at least the same reasons (and in most cases other reasons) that the independent claims are patentable. Applicant expressly reserves the right to argue the patentability of the dependent claims separately in any future proceedings.

**Claim Rejections – 35 U.S.C. § 112 ¶1**

On page 2 of the Office Action, claims 1-10 were rejected under 35 U.S.C. § 112 ¶1 as being unpatentable for failing to comply with the enablement requirement because the “specification does not show the block and tackle 160 being anchored to the proximal end” as recited in independent claim 1 and because there “is only support in the specification for a portion of the block and tackle (the cap) to be located at the proximal end of the closure device.”

Applicant respectfully submits that claim 1 complies with the enablement requirement because the block and tackle 160 shown in Fig. 3A is anchored at a proximal end of the closure device. The specification explains that the “second filament 145 [is] threaded through a plate 165 and the cap 105 to create a block and tackle 160.” Paragraph 24 of the Patent Application Publication No. 2005/0107827. Therefore, in this embodiment, the block and tackle 160

includes the second filament 145, the cap, and the plate 165 (the block and tackle is not just the plat 165). The specification continues by explaining that “[t]he cap 105 is located at a proximal end of the closure device 102. The second filament 145 is fixed to the cap 105. The second filament 145 extends from a first end 146, to the plate 165, and back through the cap 165, where it terminates with an optional tab 115.” Id. This passage makes it clear that the specification contains support for and enables the anchoring the block and tackle at the proximal end of the closure device (e.g., with the cap). Accordingly, Applicant respectfully requests that the rejection be withdrawn.

### **Claim Rejections – 35 U.S.C. § 112 ¶1**

On page 3 of the Office Action, claims 14-17 were rejected under 35 U.S.C. § 112 ¶2 as being unpatentable for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention because the limitation “the second filament” in claim 14 lacks antecedent basis. Applicant has amended claim 14 to particularly point out and distinctly claim the subject matter in compliance with 35 U.S.C. § 112 ¶2. Accordingly, Applicant respectfully requests that the rejection be withdrawn.

### **Claim Rejections – 35 U.S.C. § 102**

#### ***Independent Claims 1, 11, and 24***

On page 3 of the Office Action, independent claims 1, 11, and 24 and various dependent claims were rejected under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent No. 5,662,681 to Nash et al.. Applicant respectfully traverses the rejection. Nash et al. does not identically disclose the subject matter recited in independent claims 1, 11, or 24.

Nash et al. does not disclose a “block and tackle” that provides a mechanical advantage as recited in independent claims 1, 11, and 24. Accordingly, Applicant respectfully submits that independent claims 1, 11, and 24 and the claims which are dependent thereon are not anticipated by the cited reference and are patentable. Applicant also submits that the claims that were

rejected under 35 U.S.C. § 103(a) are also patentable for the same reasons as independent claims 1, 11, and 24.

### **New Claims**

Applicant has added new claims 38-43 of which claim 38 is in independent format. Claim 38 also recites a block and tackle that provides a mechanical advantage and, therefore, is not anticipated by Nash et al.

Applicant respectfully submit that the present Application is in condition for allowance. Applicant requests reconsideration and allowance of the pending claims. The Examiner is invited to contact the undersigned by telephone if the Examiner needs anything or if a telephone interview would advance the prosecution of the present application.

Applicant respectfully put the Patent Office and all others on notice that all arguments, representations, and/or amendments contained herein are only applicable to the present patent application and should not be considered when evaluating any other patent or patent application including any patents or patent applications which claim priority to this patent application and/or any patents or patent applications to which priority is claimed by this patent application.

The Commissioner is hereby authorized to charge any additional fees which may be required for this application, or credit any overpayment, to Deposit Account No. 08-2623. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension and authorize payment of any such extension fees to Deposit Account No. 08-2623.

Respectfully submitted,

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